

FILED

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF SOUTH DAKOTA**

In the matter(s) of:

> Cause Number CIV02-4070

Bruce Robert Stier-Herwick
And
Ingrid Stier-Herwick
c/o P.O. Box 374
Tyndall, SD 57066

**** CIVIL LAWSUIT ****

(FILED "IN FORMA PAUPERIS")

Plaintiff(s) (Innocent Victims), **Pro Se**
et al(s), accordingly.

**DEMAND FOR TRIAL
BY JURY;**

Vs.

AND,

**MOTION(S) > FOR "EMERGENCY"
INJUNCTIVE RELIEF.**

[MULTIPLE PARTY(S)]

SUMMARILY >

John D. Burkholder,
5711 West Glendale
Glendale, AZ 85301-2552
(623) 930-2400

(1)

**PURSUANT THERETO - GROSS
VIOLATION(S) OF CIVIL RIGHTS
and ENTITLEMENTS - AS GUAR-
ANTEED BY THE: 1ST, 4TH, 5TH
6TH, 8TH, AND 14TH AMEND-
MENTS TO THE CONSTITUTION
OF THE UNITED STATES; ALL
APPLICABLE FEDERAL LAW; and,
THE LAWS OF THE STATE(S) Of
ARIZONA, PENNSYLVANIA, AND
SOUTH DAKOTA, et al(s), accord.;
VERIFIABLY, TO WIT.**

And / Or,

Richard M. Romley,
301 West Jefferson, 8th Floor
Phoenix, Az 85003-2151
(602) 506-7650

And / Or,

///

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1 Vincent A. Tolino
100 West Washington, Suite 2100
2 Phoenix, AZ 85003-1805
(602) 372-7250

3 And / Or,

4 Leslie A. Madeira
301 West Washington, 6th Floor
5 Phoenix, AZ 85007-2191
(602) 506-8506

7 And / Or,

8 Chad Eric Pajerski,
11 West Jefferson, Suite 5
9 Phoenix, AZ 85003-2302
(602) 506-8248

10 And / Or,

11 Ms. Terry Lovett Bublik
12 11 West Jefferson, Suite 5
Phoenix, AZ 85003-2302
13 (602) 506-3060

14 And / Or,

15 Daniel J. Healy
11 West Jefferson, Suite 5
16 Phoenix, AZ 85003-2302
(602) 506-5759

17 And / Or,

18 Rebecca S. Potter
19 11 West Jefferson, Suite 5
Phoenix, AZ 85003-2302
20 (602) 506-8275

21 And / Or,

22
23 / / /

(2)

**PURSUANT TO RESPONDANT(S)
PROCEEDING "AD HOMINEM" -
THEREBY THEIR DELIBERATE,
WILLFUL, RECKLESS, AND
MALICIOUS DEFAMATIONS...
AND DIS-CREDITATIONS... OF
BRUCE R. STIER-HERWICK - HIS
CHARACTER, AND CREDIBILITY.**

(3)

**PURSUANT TO RESPONDANT(S)
CONTINUED BLATANT REFUSAL
TO "DISMISS WITH PREJUDICE",
Or - PROCEED TO TRIAL... WITH
MARICOPA SUPERIOR COURT
CASE NO. CR95-01819, AS SO
DEMANDED BY THE PLAINTIFF
BRUCE ROBERT STIER-HERWICK;
OF WHICH, HAS NOW RESULTED
THEREIN IRREPARABLE LOSS,
AND DAMAGE(S) THERETO BOTH
NAMED PLAINTIFF(S)... AND,
THE VERIFIABLE FINANCIAL
RUIN, THEREOF THE SAME -
AND, THEIR KNOWN BUSINESS.**

(4)

**PURSUANT TO THE VERIFIABLE
"SEVERE" PHYSICAL INJURY(S),
EMOTIONAL DISTRESS, AND
"UNWARRANTED" / UNDESERVED
MENTAL ANGUISH... OF WHICH,
THE NAMED PLAINTIFF(S) >
BRUCE ROBERT STIER-HERWICK
AND INGRID STIER-HERWICK
HAVE SUFFERED - AS A DIRECT
OR INDIRECT RESULT... OF
THE ACTION(S) OF THE NAMED
RESPONDANT(S) > INDIVIDUALLY,
AND, COLLECTIVELY; TO WIT.**

AND,

ORIGINAL

1 Lorna Cheifetz, Psy D.
2 3930 East Camelback Rd., Ste. 207
3 Phoenix, AZ 85018
4 (602) 381-1277

5 And / Or,

6 Jonathan H. Schwartz
7 Maricopa County Superior Court
8 201 West Jefferson, CCB 12D
9 Phoenix, AZ 85007
10 (602) 506-3541

11 And / Or,

12 Barbara Hamner,
13 Maricopa County Superior Court
14 201 West Jefferson, ECB 713
15 Phoenix, AZ 85007
16 (602) 372-6179

17 And / Or,

18 Carl Eckhardt,
19 Maricopa County Superior Court
20 201 West Jefferson, CCB 13D
21 Phoenix, AZ 85007
22 (602) 506-3151

23 And / Or,

Anna S. M. Scherzer, MD
10900 N. Scottsdale Rd, Suite 502
Scottsdale, AZ 85254-5236
(480) 951-3066

And / Or,

Jack Lovell Potts, MD
201 West Jefferson, Space 5
Phoenix, AZ 85003-2344
(602) 506-2092

///

(5)
**PURSUANT TO RESPONDANT(S)
ERRONEOUS... DELIBERATE...
WILLFUL... AND RECKLESS
ACTION(S) - INDIVIDUALLY,
AND / OR COLLECTIVELY > OF
WHICH, HAVE PLACED THE
NAMED PLAINTIFF(S), IN
"VERIFIABLE THREAT" - OF,
AND TO, THEIR HEALTH...
WELL - BEING... AND, THEIR
MORTALITY; summarily, to wit.**

ORIGINAL

1 And / Or,

2 Jane Dee Hull
3 1700 West Washington
4 Phoenix, AZ 85007
5 (602) 642-4331

6 And / Or,

7 Becky Bayless,
8 1700 West Washington
9 Phoenix, AZ 85007
10 (602) 542-4331

11 And / Or,

12 Pam Ramsey,
13 1700 West Washington
14 Phoenix, AZ 85007
15 (602) 542-1326

16 And / Or,

17 Officer Michael J. Hutson
18 899 Cherry Street
19 Montoursville, PA 17754
20 (570) 368-5700

21 And / Or,

22 Don Martino
23 48 West Third Street
Williamsport, PA 17701
(570) 327-4623

And / Or,

Kenneth Osokow
48 West Third Street
Williamsport, PA 17701
(570) 327-2456

And / Or,

///

ORIGINAL

1 Kenneth D. Brown
2 48 West Third Street
3 Williamsport, PA 17701
4 (570)

5 And / Or,

6 Nancy L. Butts
7 48 West Third Street
8 Williamsport, PA 17701
9 (570)

10 And / Or,

11 Dave Desmond
12 277 West Third St
13 Williamsport, PA 17701
14 (570) 326-4623

15 And / Or,

16 Kevin Deparlos
17 277 West Third Street
18 Williamsport, PA 17701
19 (570) 326-4623

20 And / Or,

21 Williamsport Sun-Gazette; and
22 John Fusco, Publisher; and
23 Robert. O. Rolley Jr, Exec. Ed; and
Troy Sellers, Staff Reporter,
252 West Fourth Street
Williamsport, PA 17701
(570) 326-1551

And / Or,,

Paul Browne,
1026 Hepburn Street
Williamsport, PA 17701
(570) 321-8433

///

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1 And / Or,
2 Lee Day
3 Route 220
4 Hughesville, PR
5 (570) 584-4730
6
7 And / Or,
8 Suzanne Huston
9 General Counsels Office
10 255 Capitol Bldg.
11 Harrisburg, PA 17120
12 (717) 783-6563
13
14 And / Or,
15 Thomas R. Ridge
16 c/o 1600 Pennsylvania Ave NW
17 Washington, DC 20500
18 (202) 456-1414
19
20 And / Or,
21 Officer Jeff Johnson
22 410 Walnut Street
23 Yankton, SD 57078
(605) 668-5210
And / Or,
Chief Duane Heeney
410 Walnut Street
Yankton, SD 57078
(605) 668-5210
And / Or,
The Staff of the Yankton Jail
(specifically, but not limited to:
Shelly, Josh, Paula, Eric, Kevin,
Chad, Chuck, Craig and Dewey -
last names withheld from us)
/ / /

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1 410 Walnut Street
2 Yankton, SD 57078
(605) 668-5219

3 And / Or,

4 Daniel L. Fox,
5 114 Broadway, PO Box 1017
Yankton, SD 57078
(605) 665-3338

6 And / Or,

7 John P. Billings,
8 P.O. Box 58
Yankton, SD 57078

9 Et al(s), accordingly.

10 Respondent(s)

11
12
13 **OPENING STATEMENT(S)**

14 **COMES NOW BEFORE THIS UNITED STATES DISTRICT COURT,**
15 FOR "IMMEDIATE" ACTION: The named Plaintiff(s) - Bruce Robert Stier-Herwick,
16 and Ingrid Stier-Herwick (**Pro Se**), herein state for the Formal Record > that pursuant
17 to the "Individual", AND "Collective" Action(s) of the Multiple Respondent(s) - the
18 Plaintiff(s) have suffered: (1) Irreparable Damage(s) and Loss(es), (2) Financial Ruin to
19 themselves, and their business, (3) Severe Physical Injury(s), (4) Over-whelming stress,
20 and (5) Mental Anguish and Emotional Distress; AND, The named Plaintiffs **NOW**
21 request this said Court's "Immediate" intervention, pursuant to US Code Title 28 Sec.
22 1343, Title 42 Sec. 1988, et al(s) - to **stop** said "illegal" action(s); summ., to wit.

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STATEMENT OF FACT(S) - SUMMARILY:

Pursuant to the judicial process initiated by John D. Burkholder, in the Superior Court of Maricopa County Arizona (Case # CR95-01819) - supposedly thereon the 27th day of February 1995 > in "direct violation" of the official ruling entered, by Judge John R. Barclay of the NW Phoenix Justice Court thereon the 17th of May 1994, - dismissing the original case matter (Case #CR94-01095A-FE)... "With Prejudice" - the named Plaintiff Bruce Robert Stier-Herwick - and subsequently, his wife Ingrid Stier-Herwick - have unjustifiably suffered > complete denial of "Due Process of Law"... resulting in: severe injustices, irreparable damages, and unwarranted financial losses... thereby the following willful, deliberate, and reckless violation(s) of the Constitution of the United States of America... all applicable Federal Laws... and, the laws of the State(s) of Arizona and Pennsylvania, et al; verifiably, to wit!

(1)

In violation of the 4th, 5th and 14th Amendments to the Constitution of the U.S.; US Code Title 42 > Chapter 21 > Subchapter IX > Sec. 2000h - 1; Arizona State Constitution, Article 2, Sec. 10; AZ Title 13 Rule 111; et al - Double Jeopardy > John Burkholder initiated an "illegal action"... thereby defrauding a Grand Jury in Maricopa County Arizona... on a matter, that had previously been **Dismissed** "With Prejudice".

(2)

In violation of AZ Criminal Code - Title 13 Rule 107(G) - Time Limitations > "If a complaint is **dismissed** for Any reason, a new prosecution may be commenced **within** six months after the dismissal". The afore referenced action, was initiated 286

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1 days (9 months and 10 days)... after the “original complaint” had been dismissed -
2 thereby voiding said action, as the same was beyond the Arizona State Statute of
3 Limitation on said matter; ver. to wit.

4 (3)

5 In violation of AZ Criminal Code Title 28 Rule 473(D) - Traffic Accidents,
6 Implied Consent, Tests; et al(s) > Any evidence obtained **without** Mr. Stier-Herwick's
7 **consent** is absolutely “Inadmissable” - as so ruled thereby Judge John R. Barclay on
8 the 17th of May 1994. Additionally, the illegally obtained “evidence” was “grossly”
9 contaminated at the time of collection; and, was reportedly destroyed at the testing
10 facility... of which, precludes any chance of it being re-tested for accuracy - and, to
11 prove that the same DID indeed come from Mr. Stier-Herwick.

12 (4)

13 In violation of the 6th Amendment to the Constitution of the United States;
14 Arizona State Constitution, Article 2, Section(s) 10 and 11; AZ 16A A.R.S. Rule 12.9
15 et al(s) > Wherefore John D. Burkholder **failed** to notify Mr. Stier-Herwick that he had
16 initiated said action - Mr. Stier-Herwick was **denied** his legal right(s) to voluntarily
17 appear in response to the alleged charges; and, to challenge, and/or refute said Grand
18 Jury proceeding.

19 (5)

20 In violation of the 6th Amendment to the Constitution of the United States;
21 US Code Title 18 > Part II > Chapter 208 > Sec. 3161; AZ Title 13 Rule 114, et al(s)
22 > Mr. Stier-Herwick has been **Denied** his right(s) to a “Speedy Trial”. Additionally,

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1 thereby John Burkholder's **failure** to notify the named Plaintiff - said Plaintiff has **now**
2 suffered: personal embarrassment, public humiliation, unwarranted illegal detainer, and
3 false imprisonment... due to being considered a "fugitive from justice" - of which, is
4 also a violation of AZ Title 13 Rule 115 (A), which states: "A defendant in a criminal
5 action is presumed to be innocent until the contrary is proved" > and, Bruce Robert
6 Stier-Herwick has **never** been treated as though "presumed innocent" since this matter
7 was commenced there against him on the 3rd of July 2001; ver. to wit.

8 (6)

9 In violation of the 6th Amendment of the Constitution of the United States; AZ
10 Constitution, Article 2, Sec(s). 4, and 24; 16A A.R.S. 12.8, and 15.1; et al(s) > the
11 named Plaintiff has been **Denied** complete disclosure of the nature of the accusation(s)
12 against him; and, disclosure by the State as to: potential evidence, names and addresses
13 of all witnesses to be called against him, et al(s); ver. to wit.

14 (7)

15 In violation of the 8th Amendment to the Constitution of the United States; US
16 Code Title 18 > Part II > Chapter 207 > Sec. 3142; PA 234 Rule(s) 521, 527 and 529;
17 et al(s) > Bruce Robert Stier-Herwick has been subjected to unreasonable, and excessive
18 bail conditions; of which, have resulted in said party suffering... the cruel and unusual
19 punishment of being forced to remain therein unlawful detainer / confinement on said
20 matter... in excess of 158 days, and counting.

21 (8)

22 In violation of the 5th, 6th and 14th Amendments to the Constitution of the US;

23 / / /

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1 AZ State Constitution, Article 2, Sec(s). 4 and 11; all applicable Federal Laws; and,
2 the laws of of the State(s) of Arizona and Pennsylvania > the named Plaintiff has been
3 absolutely **Denied** ALL "Due Process of Law"; especially, due to the Superior Court of
4 Maricopa County Arizona's - continuing blatant **refusal** to either "Dismiss" said pending
5 allegations for Just Cause... OR, to proceed to "Trial" on said matter.

6 (9)

7 In violation of the 6th and 14th Amendments to the Constitution of the United
8 States; AZ State Constitution, Article 2, Sec. 24; US Code Title 18 > Part II > Chapter
9 201 > Sec. 3006A; et al(s) > Bruce Robert Stier-Herwick has been **DENIED** competent
10 legal counsel to assist him in this said matter. ALL Public Defenders that have been
11 involved in said matter (therein the State of Pennsylvania, and most recently in the
12 State of Arizona) > have blatantly, and willfully **failed** to uphold the "Code of Pro-
13 fessional Responsibility"; and, have committed egregious "wrongs" there against their
14 client (the named Plaintiff) - of which, have proven extremely detrimental to All of
15 the Plaintiff's rights in this said matter... including, having his character, credibility,
16 and mental competence put into question by his own defense counsel - in a blatant
17 attempt to further discredit the named Plaintiff > of which, has resulted in additional
18 undue pain and suffering, and financial hardship... to both of the named Plaintiff(s).

19 (10)

20 In violation of the 6th and 14th Amendments to the Constitution of the United
21 States; AZ Constitution Article 2, Sec. 4; and all applicable Federal and State Laws >
22 Bruce Robert Stier-Herwick is being **Denied** his legal right to obtain witnesses to

23 / / /

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1 testify on his behalf - as ALL of the original witnesses who testified at the hearing
2 held on the 17th of May 1994, have gone on with lives over the past eight (8) years...
3 essentially, having moved from the Phoenix area - leaving no forwarding addresses.
4 Additionally, some of the "critical" documents regarding this case have passed the time
5 of retention, and have been destroyed.

6 (11)

7 In violation of the 4th, 5th and 14th Amendments to the Constitution of the US;
8 and all applicable Federal and States Laws > Bruce Robert Stier-Herwick has "twice"
9 been **unlawfully** arrested on said matter... but law enforcement officers, who HAVE
10 NOT: (A) adhered to "proper procedure", and proceeded without le cause" during said
11 arrests; (B) provided proper identification or warrants when requested; (C) advised the
12 Plaintiff of his legal rights [ie: mirandized]; and, (D) provided competent legal counsel
13 before questioning, as requested thereby the named Plaintiff. Additionally, in the case
14 of the officers in Pennsylvania - the named Plaintiff was subject to unwarranted "Police
15 Brutality"; of which, verifiably resulted... in "severe injury" to Mr. Stier-Herwick's
16 surgically reconstructed right shoulder - thereby causing totally undeserved... pain, and
17 suffering. To Wit.

18 (12)

19 In violation of the "Privacy Act", the RICO Act, the applicable stalking laws,
20 et al > the action(s) of multiple respondents listed in this case matter, in divulging
21 the whereabouts of the named Plaintiff Ingrid Stier-Herwick during her husband's
22 unlawful confinement on this matter ... have verifiably placed the named Plaintiff -

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1 in "**Harms Way**" - thereby, subjecting her to: harassments; stalking; innumerable
2 threatening telephone calls, and threatening notes; physical assault and injury; being
3 shot at; and, other known acts of terrorism - ALL of which... verifiably resulted in
4 Ingrid Stier-Herwick suffering: untold fear, mental anguish, physical pain, and severe
5 emotional distress; summarily, to wit.

6
7 Additional violations, and charges against each of the named Respondant(s) will
8 be outlined "in detail" in an addendum filing to this said action.

9
10 **STATEMENT OF DAMAGE(S) AND LOSS(ES) - SUMMARILY:**

11 **(1)**

12 Bruce Robert Stier-Herwick has NOW been incarcerated in excess of 158 days
13 without ever being convicted of a crime; and, without any viable hope that this matter
14 will ever proceed to Trial... or any sort of conclusion. This has verifiably resulted in:
15 the loss of over four months of Mr. Stier-Herwick's life that he will never be able to
16 recover; and, the undeniable fact that he has been falsely detained because of this said
17 matter; summarily, to wit.

18 **(2)**

19 Mr. Stier-Herwick has undeservedly suffered by: personal embarrassment, public
20 humiliation, serious physical injury, unwarranted illness, lack of proper medical care,
21 deprivation of proper diet to control a medical condition, harassment from jailers and
22 other inmates, mental anguish, emotional distress, loss of consortium, complete financial

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1 ruination, and the additional financial collapse of the Plaintiff's known business.

2 (3)

3 The named Plaintiff(s) Bruce Robert Stier-Herwick and Ingrid Stier-Herwick have
4 suffered irreparable, and continuing damage(s) to their personal finances - as a "direct",
5 and "indirect" consequence of the conditions imposed by this malicious... "Abuse of
6 Process" - including, but not limited to: (a) costly, and unnecessary relocation charges;
7 (b) deliberate, excessive travel expenses... to remain in compliance with Court ordered
8 appearances; (c) unwarranted, Court mandated testing fees; and, (d) total, unlawful loss
9 of income - mainly as a result of the Plaintiff's inability to commit to any employment
10 because of the overwhelming demands placed on their time, and schedule thereby the
11 Superior Court of Maricopa County; et als summarily, to wit.

12 (4)

13 The named Plaintiff(s) have **now** been forced to increase their debt load... by
14 borrowing thousands of dollars from friends and acquaintances, in order to continue
15 processing said case matter... and, to provide for their most basic survival needs - of
16 which, they **now** have NO viable means of repayment.

17 (5)

18 The named Plaintiff(s) have suffered exceeding loss(es), due to the indigence
19 that was imposed upon them by this case matter (and the undeserved negative publicity
20 - that verifiably prevented them in obtaining employment) - of which, resulted in the
21 unwarranted liquidation of: household goods, personal property, and business equipment
22 > in order to meet the needs of day to day existence... and, the continued processing

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1 of said case matter; AND, additional losses due to the inability to pay the mandatory
2 monthly fees for personal property left in public storage; verifiably, to wit.

3 (6)

4 The named Plaintiff Bruce Robert Stier-Herwick will continue to suffer physical
5 pain - pursuant to the unwarranted, and undeserved "police brutality" in Pennsylvania...
6 of which, verifiably resulted in injury(s) to his surgically reconstructed right shoulder;
7 AND, said Plaintiff will undoubtedly require additional surgery to correct said injury(s).

8 (7)

9 Pursuant to the total "Indigence" illegally imposed upon the Plaintiffs thereby
10 the afore noted matter - Plaintiff Ingrid Stier-Herwick was forced to endure: (a) personal
11 embarrassment brought on by having to beg for assistance to meet her most basic daily
12 needs; (b) public humiliation pursuant the being unable to obtain employment pursuant
13 to the negative publicity generated by the Williamsport Sun-Gazette, and the malicious
14 gossip of other party(s) listed as Respondants in this action; (c) fear / terror pursuant
15 to multiple parties divulging her whereabouts, and thereby recklessly endangering her
16 health... well-being... and mortality (of which, resulted in verifiably threats, assaults,
17 and other terroristic tactics); (d) deprivation of diet (malnutrition) due to reliance on
18 charity for subsistence; (e) loss of sleep, due to fear; (f) emotional distress; (g) mental
19 anguish; (h) physical pain and suffering; (i) loss of consortium; et al(s), summarily.

20 (8)

21 Additionally, the Plaintiff(s) known business has been irreparably damaged - and
22 has **now** lapsed into financial ruin, pursuant to the actions of the various Respondents

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1 either directly... or indirectly, through the doctrine of “respondeat superior”, vicarious
2 liability; et al, accordingly. The same will be borne out for the record when this action
3 goes to Trial.

4 (9)

5 Pursuant to the deliberate, intentional, willful and reckless - fraudulent misrep- r
6 sentation perpetrated there against Bruce Robert Stier-Herwick thereby his AZ Public
7 Defender Daniel Healy... thereon the 29th of January 2002 - when Mr. Healy informed
8 the named Plaintiff that the Hearing scheduled for that morning of the 29th had been
9 “continued”. This was an exceedingly malicious act - an “Intentional wrong” - of
10 which, was the “proximate cause” of Mr. and Mrs. Stier-Herwick returning home to
11 Oklahoma City after traveling over 1,100 miles for the express purpose of attending
12 said hearing. The result of this blatant, malfeasant **LIE** - was the subsequent arrest of
13 Mr. StierHerwick on the 10th day of February in Yankton South Dakota ... on a Bench
14 Warrant for “Failure to Appear”; AND, the subsequent **loss...** of the Plaintiff’s posted
15 cash bond in the amount of \$2,983.00 thereon the 18th of March 2002; ver. to wit.

16 (10)

17 Currently: Bruce Robert Stier-Herwick is suffering the indignity of being held
18 “incomunicado” therein the maximum security section of the Yankton County Jail in
19 Yankton South Dakota - due to his being arrested on the afore referred to Bench
20 Warrant from Arizona. Mr. Stier-Herwick is being summarily **Denied** the most basic
21 of privileges, including: (a) visitation with his wife, (b) use of the telephone, (c) the
22 ability to send / receive letters, and (d) interaction with the other inmates > of which,

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1 can only be defined, as "Cruel and Inhuman Punishment"; ver. to wit.

2
3 The named Plaintiff(s), have been severely transgressed by the Action(s), and
4 Non-Action(s) thereof the Multiple Respondents listed in this Civil Lawsuit Action; and
5 consequently, have unjustly suffered: (a) actual damages, (b) accumulative damages,
6 (c) consequential damages, (d) continuing damages, (e) foreseeable / future damages;
7 and (f) "irreparable" damages; as well as - direct, and consequential losses - pain and
8 suffering... for some of which, there are absolutely NO "Fair" and/or adequate forms
9 of compensation.

10
11 **CULPABILITY OF RESPONDENT(S) - SUMMARILY:**

12 The basis for including each of the additional named Respondent(s) will be
13 borne out during said Trial Process; but is listed (in brief) herein the following:

14 (1) Richard M. Romley - was involved in the settlement of the initial action on
15 the 17th of May 1994 ; and under the doctrine of "respondeat superior", is therefore
16 culpable for the wrongful action(s) of his subordinate(s) (ie: vicarious liability).

17 (2) Vincent A. Tolino - has proceeded forward with essentially an illegal action,
18 thereby causing further irreparable damages and losses to occur to the Plaintiff(s).

19 (3) Leslie A. Maderia - has proceeded forward with essentially an illegal action;
20 and, has demanded unwarranted... and unjust sanctions there against the Plaintiff(s) -
21 causing additional financial hardships, irreparable damages, and losses thereto the same.

22 (4) Chad Eric Pajerski - as an appointed Public Defender, has "grossly" violated

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1 all of the Codes of Professional Responsibility, to the verifiable detriment of his client;
2 placed his client in further threat of harm to his health and well being; and thereby,
3 caused additional: pain, suffering, financial loss, et al to the named Plaintiff(s).

4 (5) Terry Lovett Bublik - as the supervisor for Chad Pajerski, is also liable for
5 damages resulting there against the Plaintiffs for the actions of her subordinate, under
6 "respondeat superior" (ie: vicarious liability).

7 (6) Daniel J. Healy - a court appointed Public Defender... has "grossly" violated
8 ALL of the Codes of Professional Responsibility with regard to his supposed represen-
9 tation thereof the named Plaintiff(s); and has blatantly lied to the Plaintiff(s), as well
10 as defrauded the Superior Court of Maricopa County AZ - thereby verifiably causing;
11 (a) extreme pain and suffering, (b) emotional distress, (c) mental anguish, (d) unlawful,
12 and unwarranted incarceration of Mr. Stier-Herwick, (e) overwhelming financial losses to
13 the Plaintiff(s), and their business (including, loss of their \$2,983.00 bail bond), et al(s).

14 (7) Rebecca S. Potter - as the supervisor for Daniel Healy, is also liable for
15 damages resulting there against the Plaintiff(s) due to the actions of her subordinate,
16 under the doctrine of "respondeat superior" (ie: vicarious liability).

17 (8) Lorna Cheifetz - is liable for: pain, suffering, emotional distress, mental
18 anguish, financial losses, defamation of character, libel, et al - pursuant to her grossly
19 malicious report as to the mental status of the named Plaintiff Bruce R. Stier-Herwick.

20 (9) Jonathan H. Schwartz - is culpable for: (a) failure to conduct the Pre-Trial
21 Conference scheduled for the 29th of November 2001, (b) allowing the Public Defender
22 to request a Rule 11 Hearing there against his own client without requiring any factual

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1 evidence to support said request; (c) placing unwarranted, and unreasonable sanctions
2 there against the named Plaintiff - thereby causing additional physical, emotional and
3 financial damages to occur thereto the same.

4 (10) Barbara Hamner - is culpable for proceeding there against the Plaintiff(s)
5 pursuant to the fraudulent statements (lies) of Daniel Healy, thereby causing untold
6 harm, and additional "irreparable" damages thereto the named Plaintiff(s).

7 (11) Carl Eckhardt - is culpable for proceeding there against Bruce Robert Stier-
8 Herwick, pursuant to the erroneous rulings of Barbara Hamner - thereby causing the
9 unwarranted, and illegal loss thereof the Plaintiff(s) \$2,983.00 cash bail bond; and, for
10 the ensuing: emotion distress, mental anguish, financial devastation, etc.

11 (12) Anna S. M. Scherzer - is culpable, for: emotional distress, mental anguish,
12 defamation of character, libel, et al there against Bruce Robert Stier-Herwick (and his
13 wife)... pursuant to her erroneous, and malicious report submitted to the Court with
14 respect to the Plaintiff's mental state; of which, has caused additional unreasonable
15 pain and suffering, and financial devastation to the named Plaintiff(s).

16 (13) Jack Lovell Potts - is culpable, for: defrauding the Court, and bearing false
17 witness against the Plaintiff... thereby causing unwarranted financial burdens; of which,
18 have now resulted in > pain and suffering, mental anguish, emotion distress, et al.

19 (14) Jane Dee Hull - is culpable for proceeding there against Bruce Robert Stier-
20 Herwick, on recommendation of a subordinate - without making sure that the charges
21 against said party were truly supported by factual evidence - thereby causing unwar-
22 ranted: pain, suffering, emotional distress, mental anguish, financial ruination, et al.

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1 (15) Becky Bayless - is culpable for proceeding against the named Plaintiff on
2 the recommendation of a subordinate (especially, since the original case records were
3 purportedly sent to office for safe keeping) - thereby allowing the same losses and
4 damages to occur there against the named Plaintiff(s).

5 (14) Pam Ramsey - is culpable, for **not** positively verifying that the charges
6 against Bruce Robert Stier-Herwick were indeed valid, and substantiated by credible
7 evidence - thereby allowing for untold "irreparable" damages to occur there against
8 the named Plaintiff(s); and, for defamation of character in her blatant statements with
9 regard to the named Plaintiff's being "Guilty" of said unfounded allegations.

10 (15) Officer Michael J. Hutson - is guilty of "police brutality" with regard to
11 the physical injuries sustained by Bruce Robert Stier-Herwick pursuant to his arrest
12 of said Plaintiff; and, for the resulting > pain, suffering, losses and damages that have
13 occurred as a result thereof the same.

14 (16) Don Martino - as an appointed Public Defender, "grossly" violated the
15 Code of Professional Responsibility... by refusing to proceed on behalf of said client;
16 thereby, allowing for additional pain, suffering and hardship to occur.

17 (17) Kenneth Osokow - is culpable, for: (a) proceeding there against the named
18 Plaintiff without verification that said charges were valid; and, (b) refusing to protect
19 Ingrid Stier-Herwick when she was being > stalked, harassed, threatened, etc within
20 his known jurisdiction - and, for the losses and damages which resulted.

21 (18) Kenneth Brown and Nancy Butts - are culpable for violation of numerous
22 codified laws of the State of PA with respect to their mis-handling of the Plaintiff's

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1 case matter - including falsification of documents filed therewith the Prothonotary's
2 Office; and, for the losses and damages which occurred as a result thereof.

3 (19) Dave Desmond and Kevin Deparlos - are culpable, for: the unwarranted
4 treatment of Bruce Robert Stier-Herwick by the staff of the Lycoming County Prison,
5 while he was subjected to their jurisdiction; including, but not limited to: deprivation of
6 proper diet to control his Hypoglycemia, deprivation of medical care, etc. - of which,
7 resulted in unwarranted pain, suffering, damages, etc. to the named Plaintiff.

8 (20) Williamsport Sun-Gazette, et al(s) - are culpable, for verifiable placing
9 Ingrid Stier-Herwick "In Harms Way" pursuant to articles they ran about the named
10 Plaintiff(s); of which, also inflamed the local populace there against said Plaintiff(s)
11 resulting in Mrs. Stier-Herwick being unable to obtain gainful employment - resulting
12 in verifiable hardship(s), loss(es) and damage(s).

13 (21) Paul Browne - is culpable, for: obtaining information under false pretenses,
14 failure to uphold his sworn oath of confidentiality, aiding parties of conflict, et al.

15 (22) Lee Day - is culpable, for: obtaining information under false pretenses,
16 breach of verbal contract, conspiring against the named Plaintiff(s), et al.

17 (23) Suzanne Huston - is culpable, for: withholding official communications
18 (mail) from the Gov. of PA - critical to his decision making process with regard to
19 the signing of the Warrant of Extradition there against Bruce Robert Stier-Herwick;
20 and, for the resulting - losses, damages, pain and suffering, et al.

21 (24) Thomas R. Ridge - is culpable for proceeding on recommendation of a
22 subordinate without verification that the charges were indeed true; and, for the actions

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1 of his subordinates under the doctrine of "respondeat superior" (ie: vicarious liability).

2 (25) Jeff Johnson - is culpable, for: questioning the named Plaintiff(s) without
3 reasonable probable cause on a matter he had no jurisdiction over; of which, resulted in
4 the arrest of Bruce Robert Stier-Herwick; and, for all of the pain, suffering, losses, and
5 other damages that occurred as a result of his said erroneous and unlawful actions.

6 (26) Duane Heeney, and the staff of the Yankton County Jail - are culpable, for:
7 the inhumane treatment, and gross violation of civil and constitutional rights that have
8 occurred against Mr. Stier-Herwick while under their jurisdiction; and for the resulting
9 losses and damages.

10 (27) Daniel Fox - is culpable for violation of the Code of Professional Responsi-
11 bility, in his refusal to file motions on behalf of, or otherwise represent the Plaintiff(s).

12 (28) John P. Billings - is culpable for proceeding there against the Plaintiff(s)
13 on prima facie evidence, without verification; and, for the resulting losses and damages.

14 **STATEMENT OF CLAIM (SUMMARILY):**

15
16 **Therefore,** the named Plaintiff(s) Bruce Robert Stier-Herwick and Ingrid Stier-
17 Herwick... in a bona fide attempt, to: (1) vindicate the egregious violation(s) of their
18 known Legal, Civil and Constitutional Rights; (2) obtain a measure of satisfaction,
19 recover damages from, and establish sanctions against.. those named Respondents who
20 were responsible for the violations / wrongs initiated there against said Plaintiffs - And,
21 those named Respondents, et al(s) who failed to prevent said violations / wrongs from
22 occurring (when in their power to do so); (3) to **again** establish Mr. Stier-Herwick's >

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1 character, credibility, and **innocense**; AND, (4) to have this said Court **Rule**, that Mr.
2 Stier-Herick si Sanae Mentis for the formal record; AND,

3
4 In accordance with - 28 USC § 1343, 28 USC § 1443, 42 USC § 1988, et al(s)
5 accordingly... the named Plaintiffs, herewith ENTER this “**Civil Lawsuit**” Action (in
6 preliminary capacity only) > in the initially requested amount of: **Seventy-Five Million**
7 **Dollars** (\$75,000,000.00); ver. to wit.

8
9 **DEMAND FOR “TRIAL BY JURY”**

10 Pursuant to the egregious wrongs that have been committed there against the
11 named Plaintiff(s)... and their known “rights” under the Constitution of the United
12 States, and all applicable Federal and State Laws > said Plaintiffs respectfully **Demand**
13 that this case matter be heard, and decided by a Jury of their peers... **here** > in an
14 unbiased, and impartial venue; summarily, to wit.

15
16 **MOTION(S) FOR EMERGENCY INJUNCTIVE RELIEF:**

17 The named Plaintiff(s) Bruce Stier-Herwick and his wife Ingrid Stier-Herwick
18 herein **MOVE** this United States District Court, to:

19 **(1)**

20 Immediately **issue** an “Extraordinay Writ” > temporarily staying all processes
21 in Case No. CR95-01819... now before the Superior Court of Maricopa County AZ;
22 AND, the subsequent processes in Case No. 02-68 - now before the Circuit Court of

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1 Yankton County S.D. > Thereby preventing said requested Extradition process... until
2 such time, the "gross" violations of Legal, Civil and Constitutional Rights now occurring
3 in said case - can be "legally" reversed; AND, competent, ethical legal counsel provided
4 for the named Plaintiff Bruce Robert Stier-Herwick.

5 (2)

6 Immediately **issue** "Orders of Protection" (for No Contact / Non-Harassment) on
7 behalf of both named Plaintiff(s)... there against each of the Respondents named in this
8 action - to prevent any further wrongs being committed there against said Plaintiff(s).

9 (3)

10 Immediately **issue** an "Extraordinary Writ" authorizing the **release** of Bruce Robert
11 Stier-Hewrick > on his "own recognizance", or thereon "unsecured" bond - pursuant to
12 US Code Title 18 Sec. 3142 - so that the named Plaintiff(s) can reasonably proceed, to
13 process this said matter for Trial - without further interference; resp. to wit.

14 AND,

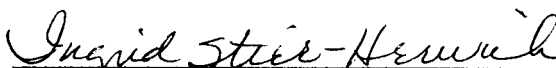
(4)

15 Immediate **issue** the attached **Subpoenas**, for the production of: pertinent case
16 records, Grand Jury transcripts and minutes, medical records, et al accordingly.

17
18 Signed and dated, hereon this 4th day of April 2002.

19
20 

Bruce Robert Stier-Herwick, Plaintiff

21
22 
23 Ingrid Stier-Herwick, Plaintiff

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CERTIFICATE OF SERVICE

I, Ingrid Stier-Herwic, herewith certify that I have served the following documents:
CIVIL LAWSUIT > [MULTIPLE PARTY(S)]; DEMAND FOR "TRIAL BY JURY";
and, MOTION(S) FOR EMERGENCY INJUNCTIVE RELIEF; and, MOTION FOR
LEAVE TO PROCEED "IN FORMA PAUPERIS", WITH ATTACHED AFFIDAVIT
OF SUPPORT AND EXHIBITS > thereon the Office of the Clerk for the United States
District Court for the Southern District of South Dakota, located therein Room 128, at:
Federal Building and U.S. Courthouse, Sioux Falls, South Dakota 57104-6851; service
completed... via person hand delivery.

Signed and dated, hereon this 8th day of April 2002.

Ingrid Stier-Herwic
Ingrid Stier-Herwick

CERTIFICATE OF SERVICE